

## Case: 4:20-cv-00353-SRC Doc. #: 1-1 Filed: 03/04/20 Page: 1 of 25 PageID #: 5 IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

- decer-		
Judge or Division:	Case Number: 2022-CC00135	
REX M BURLISON		Special Process Server 1
Plaintiff/Petitioner:	Plaintiff's/Petitioner's Attorney/Address BRIAN KURTH	0 110 0 0
ANTIONE FRANKLIN	1717 PARK AVENUE	Special Process Server 2
vs.	ST LOUIS, MO 63104	Special Process Server 3
Defendant/Respondent: ALLIED SERVICES LLC	Court Address: CIVIL COURTS BUILDING	
Nature of Suit: CC Pers Injury-Vehicular	10 N TUCKER BLVD SAINT LOUIS, MO 63101	(Date File Stamp)
	<del></del>	

Defendant/Respondent: ALLIED SERVICES LLC	•	Court Address: CIVIL COURTS BUILDING		
Nature of Suit: CC Pers Injury-Vehicular		10 N TUCKER BLVD SAINT LOUIS, MO 63101	(Date	File Stamp)
OO 1 CIO IIIJary Vernoalar	Sui	nmons in Civil Case		File Starrip)
The State of Missouri to				
The state of Missouri to	Alias:			
1744 APPLE HILL DRIVE ST. LOUIS, MO 63010				
COURT SEAL OF		I to appear before this court and to file		
	plaintiff/petitioner exclusive of the da	tached, and to serve a copy of your ploat the above address all within 30 days y of service. If you fail to file your plead ou for the relief demanded in the petition	after receiving the ding, judgment by on.	is summons,
CITY OF ST LOUIS	January 22,	2020 Thomas	Mappinge	
	Date		Clerk	
	Further Information:	eriff's or Server's Return		
leaving a copy of the s  15 years who perman  (for service on a corpo	nummons and a copy of the nently resides with the de tration) delivering a copy of	the petition to the defendant/respondent. e petition at the dwelling place or usual abode, a person of the defendant's/re endant/respondent. of the summons and a copy of the complaint to (name)	espondent's family ov o:	ver the age of
				(address)
in (County/City of St. Louis), MO, on (date) at (time).				
		Signate Signate Signate Signate Signate Signate Signate Stary public if not served by an authorized office		
(Seal)				
	My commission expires:	Date	Notary Public	
Sheriff's Fees, if applicabl	e			
Summons Non Est	\$			
Sheriff's Deputy Salary	<b>\$</b>			
Supplemental Surcharge	\$ 1000			
Mileage	\$(	miles @ \$ per mile)		
Total	\$			
A copy of the summons and classes of suits, see Suprer		ist be served on each defendant/respondent.	For methods of servi	ce on all



#### Case: 4:20-cv-00353-SRC Doc. #: 1-1 Filed: 03/04/20 Page: 2 of 25 PageID #: 6

#### IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division:	Case Number: 2022-CC00135	
REX M BURLISON		Special Process Server 1
Plaintiff/Petitioner:	Plaintiff's/Petitioner's Attorney/Address	
ANTIONE FRANKLIN	BRIAN KURTH	Special Process Server 2
	1717 PARK AVENUE	
VS.	ST LOUIS, MO 63104	Special Process Server 3
Defendant/Respondent:	Court Address:	
ALLIED SERVICES LLC	CIVIL COURTS BUILDING	
Nature of Suit:	10 N TUCKER BLVD	
CC Pers Injury-Vehicular	SAINT LOUIS, MO 63101	(Date File Stamp)

#### **Summons in Civil Case**

The State	of Missouri to:	ALLIED S	SERVICES L	LC

Alias: D/B/A REPUBLIC SERVICES

ST LOUIS COUNTY

THE CORPORATION COMPANY 120 SOUTH CENTRAL AVENUE CLAYTON, MO 63105 **COURT SEAL OF** 



You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

**January 22, 2020** CITY OF ST LOUIS Date Further Information: Sheriff's or Server's Return Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have serve	ed the above summons by: (check one)	•
	he summons and a copy of the petition to the defendant/respo	ndent.
	summons and a copy of the petition at the dwelling place or u	sual abode of the defendant/respondent with
<del></del>	, a person of the de	fendant's/respondent's family over the age of
	anently resides with the defendant/respondent.	
	poration) delivering a copy of the summons and a copy of the control (name)	
	(name)	
in	(County/City of St. Louis), MO, on	(date) at (time).
Printed Nam	ne of Sheriff or Server  Must be sworn before a notary public if not served by an autho	Signature of Sheriff or Server rized officer:
	Subscribed and sworn to before me on	(date).
(Seal)		,
	My commission expires:	
<del> </del>	Date	Notary Public
Sheriff's Fees, if applicat	ble	
Summons	\$	
Von Est	\$	
Sheriff's Deputy Salary		
Supplemental Surcharge	\$10.00	•
Vileage	\$ ( miles @ \$ per mile)	
Total	\$	
A copy of the summons ar	nd a copy of the petition must be served on <b>each</b> defendant/re	spondent. For methods of service on all

classes of suits, see Supreme Court Rule 54.

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## IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS STATE OF MISSOURI

ANTIONE FRANKLIN,	)	
Plaintiff,	) Cause No.:	
Fiantini,	) Cause No	
V.	)	
	) Div. No.:	
ALLIED SERVICES, LLC d/b/a REPUBLIC	)	
SERVICES,	) JURY TRIAL DEMA	ND
(Serve:	)	
The Corporation Company	)	
120 South Central Avenue	)	
Clayton, MO 63105)	)	
	)	
and	)	
	)	
TIMOTHY HARTUPEE,	)	
(Serve at:	)	
1744 Apple Hill Drive	)	
Arnold, MO 63010)	)	
D 6 1 4	)	
Defendants.		

#### **MEMORANDUM TO THE COURT**

COMES NOW Plaintiff and requests that a summons be issued to each of the following

Defendants:

## <u>ALLIED SERVICES, LLC d/b/a REPUBLIC SERVICES – to be served by the St. Louis County Sheriff</u>

**SERVE:** The Corporation Company

**120 South Central Avenue** 

Clayton, MO 63105

#### TIMOTHY HARTUPEE – to be served by the Jefferson County Sheriff

**SERVE: 1744 Apple Hill Drive** 

**Arnold, MO 63010** 

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WHEREFORE, Plaintiff prays that this Court issue a summons to the each of the above named Defendants, and further requests that said summons for each Defendant be returned to Plaintiff's counsel to be forwarded to their respective Sheriff's office.

Meyerkord & Meyerkord, LLC

/s/ Brian D. Kurth

Brian D. Kurth

1717 Park Avenue St. Louis, MO 63104

(314) 300-3000

(314) 222-0525 Fax

bdk@meyerkordlaw.com

#59651

Attorney for Plaintiff

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## IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS STATE OF MISSOURI

ANTIONE FRANKLIN,	)	
	)	
Plaintiff,	)	Cause No.:
v.	)	
	)	Div. No.:
ALLIED SERVICES, LLC d/b/a REPUBLIC	)	
SERVICES,	)	JURY TRIAL DEMAND
(Serve:	)	
The Corporation Company	)	
120 South Central Avenue	)	
Clayton, MO 63105)	)	
	)	
and	)	
	)	
TIMOTHY HARTUPEE,	)	
(Serve at:	)	
1744 Apple Hill Drive	)	
Arnold, MO 63010)	)	
	)	
Defendants	)	

#### **PETITION**

COMES NOW plaintiff Antione Franklin, by and through his attorneys, and for his cause of action against defendants Allied Services, LLC d/b/a Republic Services and Timothy Hartupee, states as follows:

#### **GENERAL ALLEGATIONS**

- 1. That Plaintiff Antione Franklin is a resident and citizen of the State of Missouri.
- 2. That Defendant Allied Services, LLC ("Allied") is and was at all times relevant hereto a Delaware corporation that is registered and in good standing with the State of Missouri at the time of the incident that is the subject of this suit.
  - 3. That at all times relevant hereto Defendant Allied is and was doing business as

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Republic Services for the purposes of trash collection in Missouri.

4. That Defendant Timothy Hartupee ("Hartupee") is and was at all times relevant hereto a resident and citizen of the State of Missouri.

- 5. That Defendant Hartupee at all times relevant hereto acted as the agent, servant and employee of defendant Allied and acted within the course and scope of his employment with Allied.
- 6. That Defendant Allied at all times relevant hereto acted by and through its agents, servants and employees, including defendant Hartupee, who was acting within the course and scope of his employment
- 7. That jurisdiction is proper in the State of Missouri because this action arises out of a tort committed in Missouri.
- 8. That venue is proper in the Circuit Court of the City of St. Louis, Missouri pursuant to section 508.010 of the Revised Statutes of Missouri (2005).
- 9. That on April 11, 2018, plaintiff Antione Franklin was operating a vehicle southbound on South Broadway Avenue in the City of St. Louis, Missouri.
- 10. That on April 11, 2018, plaintiff Antione Franklin while operating a vehicle southbound on South Broadway Avenue in the City of St. Louis, Missouri, made a right hand turn into a Conoco gas station located at 4355 South Broadway, City of St. Louis, Missouri.
- 11. That on April 11, 2018, defendant Hartupee, while in the course and scope of his employment with defendant Allied, was operating a trash truck owned by defendant Allied with permission of defendant Allied on the Conoco premises located at 4355 South Broadway Avenue, City of St. Louis, Missouri.
  - 12. That on April 11, 2018 defendant Hartupee operated the trash truck and caused it

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to back into and collide with Plaintiff's vehicle on the Conoco premises located at 4355 South Broadway Avenue, City of St. Louis, Missouri.

#### <u>COUNT I – Negligence – All Defendants</u>

- 13. That Plaintiff Antione Franklin incorporates by reference the allegations of paragraphs 1 through 12 as though fully set forth herein.
- 14. That the aforesaid collision was directly and proximately caused by the negligence and carelessness of Defendants in the operation, maintenance, and control of the trash truck in the following respects, to-wit:
  - (a) Defendant Hartupee, acting as the agent, servant, and employee of defendant Allied, did immediately prior to and at the time of said occurrence, drive and operate the trash truck at a rate of speed that was high, excessive, and dangerous under the circumstances and conditions then and there existing.
  - (b) Defendant Hartupee, acting as the agent, servant, and employee of defendant Allied, failed and omitted to keep and maintain a constant, careful, and vigilant watch and lookout so as to see and discover the presence and movement of other vehicles at and near the aforesaid location.
  - (c) Defendant Hartupee, acting as the agent, servant, and employee of defendant Allied, failed and omitted to stop the trash truck, slacken the speed thereof, change the course thereof, swerve the same aside, or sound a warning of his approach and movement, when, in the exercise of the

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- highest degree of care, he could and should have done so and thus and thereby have avoided the aforesaid occurrence.
- (d) Defendant Hartupee, acting as the agent, servant, and employee of defendant Allied, did at the time and place aforesaid negligently and carelessly cause and permit the trash truck to strike and collide with the vehicle operated by plaintiff Antione Franklin.
- 15. That Defendant Allied is vicariously liable for the negligence of defendant Hartupee, referenced in the above paragraphs, in that defendant Allied was acting by and through defendant Timothy Hartupee as its agent, servant or employee at the time that defendant Hartupee engaged in these negligent acts.
- 16. That as a direct and proximate result of Defendants' aforesaid negligence, Plaintiff was caused to suffer injuries to his neck, back, left arm and left shoulder. Plaintiff suffered, and will ever suffer in the future, severe pain and mental anguish as a result thereof; and the use, movement, and function of the aforesaid injured parts have been severely and permanently impaired and diminished.
- 17. That as a further direct and proximate result of Defendants' aforesaid negligence, and the resulting injuries sustained by Plaintiff, Plaintiff has been caused to undergo certain reasonable and necessary medical and hospital care and treatment, for which he has been caused to incur or become indebted for an amount as yet to be determined but in excess of \$127,000.00, and he will be caused to undergo further such care and treatment in the future and to incur or become indebted for further such large sums therefor.

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18. That as a further direct and proximate result of Defendants' aforesaid negligence, and the resulting injuries sustained by Plaintiff, Plaintiff has been caused to lose wages in an amount in excess of \$11,000.

WHEREFORE, Plaintiff prays for judgment against Defendants in such sum as is fair and reasonable but in excess of Twenty-Five Thousand Dollars (\$25,000.00) together with his costs herein expended.

#### MEYERKORD & MEYERKORD

By: <u>/s/ Brian D. Kurth</u>

Brian D. Kurth, #59651

Attorneys for Plaintiff 1717 Park Avenue

St. Louis, Missouri 63104

(314) 436-9958

(314) 571-7138 (Facsimile)

BDK/s

				// /	//
Case: 4:20-cv-00353-SRC	Doc. #: 1-1	Filed: 03/04/20	Page: 10 of 25	agelD	#:14
IN THE 22ND JUDICIAL	CIRCUIT, CITY	OF ST LOUIS.	MISSOURI	CA	21

Judge or Division: REX M BURLISON		Case Number: 2022-CC00135	Special Process Server 1
Plaintiff/Petitioner: ANTIONE FRANKLIN	VS.	Plaintiff's/Petitioner's Attorney/Address BRIAN KURTH 1717 PARK AVENUE ST LOUIS, MO 63104	Special Process Server 2 Special Process Server 3
Defendant/Respondent: ALLIED SERVICES LLC		Court Address: CIVIL COURTS BUILDING	97001211 100000 001101
Nature of Suit: CC Pers Injury-Vehicular		10 N TUCKER BLVD SAINT LOUIS, MO 63101	(Date File Stamp)
	_		The second secon

CC Pers Injury-Vehicular	SAINT LOUIS, MO 63101		(Date File Stamp)
	nmons in Civil Case		
The State of Missouri to: ALLIED SERVICES	LLC		
THE CORPORATION COMPANY 120 SOUTH CENTRAL AVENUE CLAYTON, MO 63105 COURT SEAL OF You are summoned copy of which is at	to appear before this court and tached, and to serve a copy of y	l to file your p	leading to the petition, a upon the attorney for
plaintiff/petitioner a exclusive of the da be taken against yo	at the above address all within 3 y of service. If you fail to file you ou for the relief demanded in the	0 days after re ur pleading, ju petition.	eceiving this summons, adgment by default may
CITY OF ST LOUIS January 22, 2	2020	Romas Kloy	Sunder
Date Further Information:		Clerk	
Note to serving officer: Summons should be returned certify that I have served the above summons by:  delivering a copy of the summons and a copy of leaving a copy of the summons and a copy of the service on a corporation delivering a copy of the service on a corporation delivering a copy of the service on a corporation delivering a copy of the service on a corporation delivering a copy of the service on a corporation delivering a copy of the service on a corporation delivering a copy of the service on a corporation delivering a copy of the service on a corporation delivering a copy of the service on a corporation delivering a copy of the summons and a copy of	(check one) the petition to the defendant/responde e petition at the dwelling place or usua, a person of the defend	ent. al abode of the d dant's/responder plaint to: E SPECIAL	nt's family over the age of
	potary public if not served by an authorized before me on		(date):
Sheriff's Fees, if applicable Summons \$	miles @ \$ per mile)  Ist be served on each defendant/respo	ondent. For meth	- T

20-SMCE-90

1 of 1

\$M30 (SMCC) For Court Use Only: Document Id # 20-SMCC-452

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Based on the Supreme Court Rules governing eFiling, an eService email has been issued to the following parties:

SERVICE PARTY: BRIAN KURTH, Attorney for Plaintiff

SERVICE EMAIL: bdk@meyerkordlaw.com

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### IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS STATE OF MISSOURI

ANTIONE FRANKLIN,	)	
	)	
Plaintiff,	)	Cause No.: 2022-CC00135
v.	)	
	)	Div. No.: 1
ALLIED SERVICES, LLC d/b/a REPUBLIC	)	
SERVICES,	)	
	)	
and	)	
	)	
TIMOTHY HARTUPEE,	)	
(Serve at:	)	
1744 Apple Hill Drive	)	
Arnold, MO 63010)	)	
	)	
Defendants.	)	

#### NOTICE TO TAKE DEPOSITION FOR DISCOVERY PURPOSES

DATE & HOUR: Tuesday, March 17, 2020 at 9:00 a.m.

PLACE DEPOSITION TO BE TAKEN: Meyerkord, Meyerkord & Kurth, LLC

1717 Park Avenue St. Louis, MO 63104

WITNESS TO BE DEPOSED: Masood Kureshi

4355 S. Broadway St. Louis, MO 63111

COURT REPORTER: Alaris Litigation

**PLEASE TAKE NOTICE** that, pursuant to Rule 57.03(b)(4), the undersigned will take the deposition of Masood Kureshi, before a notary public, certified videographer and/or other person authorized to take oaths. Such person or persons shall possess the capacity to testify about the below enumerated paragraphs and produce all documents identified below:

1. Any and all surveillance footage from 4355 S. Broadway, St. Louis, MO 63111 taken on April 11, 2018 between the hours of 0600 and 0615.

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You can comply with this request by producing the requested surveillance footage.

Meyerkord & Meyerkord, LLC

/s/ Brian D. Kurth
Brian D. Kurth #59651
1717 Park Avenue
St. Louis, Mo 63104
(314) 300-3000
(314) 222-0525 Fax

bdk@meyerkordlaw.com

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STATE OF MISSOURI )
CITY OF ST LOUIS ) SS

## MISSOURI CIRCUIT COURT TWENTY-SECOND JUDICIAL COURT

(ST. LOUIS CITY)

#### <u>SUBPOENA</u> (Order to Appear and/or Produce Document)

Antione Franklin	,
Plaintiff/Petitioner	
Attorney for Plaintiff/Petitioner  vs.  Allied Serviced, LLC d/b/a Republic Services  Defendant/Respondent	Cause No
() Attorney for Defendant/Respondent THE STATE OF MISSOURI, TO Masood Kureshi	
GREETING:  YOU ARE HEREBY COMMANDED. That setting aside all mar  Meyerkord, Meyerkord & Kurth, 1717 Par	
in the City of St. Louis, on the 17th day of March and thereafter from time to time until the case can be disposed of or you are	2020 at 9 o'clock A .M., finally discharged.
To testify on behalf of	C-4 C 4255 C Dura laure C4 I aris MO (2111
taken on April 11, 2018 between the hours of	footage from 4355 S. Broadway, St. Louis, MO 63111 0600 and 0615.
	Thomas L. Kloeppinger CIRCUIT CLERK
	The Mappinger
The attorney or party requesting attendance of witness is : $\underline{\underline{1}}$	laintitt
	cannot be stated with certainty. Therefore, you are directed to telephone een the hours of 9:00 AM and 5:00 PM on at which ce. Such instruction may require that you appear on a subsequent date,

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#### **OFFICER'S RETURN**

Served a copy hereof, in the City of St. Louis, Missouri, on the day of (by reading same) (by delivering a true copy) to the within names witness.	,
To summoning the witness	\$
To the return of the non est on this subpoena	\$
To miles traveled serving this subpoena	\$
TOTAL FEES	\$
Sheriff of the City of St. Louis	
By	
INSTRUCTIONS TO APPLY FOR WITNESS FEE	
After the witness has testified of has been dismissed, the witness shall take this copy to the Office the appropriate Division Clerk, for entry on the books as provided by law. Otherwise, witness fees cannot be appropriate Division Clerk, for entry on the books as provided by law.	of the Circuit Clerk, or to be taxed.
WITNESS CLAIM	
I hereby certify that I am entitled to days and miles for service as a with	ness under a subpoena.
Witness signature	<del></del>
Subscribed and sworn before me and entered this day of,	
Thomas L. Kloenninge	<b>,</b>

Circuit Clerk

Case: 4:20-cv-00353-SRC Doc. #: 1-1 Filed: 03/04/20 Page: 16 of 25 PageID #: 20

# In the

City of St. Louis, Missouri		For File St	amp Only
Antione Franklin	100/3 CITY AND THE PROPERTY OF		
Plaintiff/Petitioner	2/24/20		
	Date		
vs.	2022-CC00135		
Allied Services, LLC d/b/a Republic Services, et al	Case number		
Defendant/Respondent	<u> </u>		
	Division	L	٦

**REQUEST FOR APPOINTMENT OF PROCESS SERVER** 

Comes now Plaintiff		, pursuant
Re	equesting Party	
to Local Rule 14, requests the appointr	nent by the Circuit Clerk of	
Scott Biondo (Scott Biondo Consulting)	404 Jungermann, St. Peters, N	MO 63376 314-956-1160
Name of Process Server	Address	Telephone
Name of Process Server	Address	Telephone
Name of Process Server	Address	Telephone
to serve the summons and petition in the	nis cause on the below named <sub>l</sub>	parties.
SERVE: Timothy Hartupee	SERVE:	
Name 1744 Apple Hill Drive	Name	
Address Arnold, MO 63010	Address	
City/State/Zip	City/State/Zip	
SERVE:	SERVE:	
Name	Name	
Address	Address	
City/State/Zip	City/State/Zip	
Appointed as requested:		
TOM KLOEPPINGER, Circuit Clerk	Brian D. Kurth	
•	Attorney/Plaintiff/Petitio 59651	ner
By	Bar No. 1717 Park Avenue, S	St Louis MO 63141
Deputy Clerk		7. EJUIG, INC UT I
	Address 314-300-3000	
Date	Phone No.	

For File Stamp Only

## In the CIRCUIT COURT City of St. Louis, Missouri

City of St. Louis, Missouri	COUNT COLUMN COL		
Antione Franklin	1901 Ciliani		
Plaintiff/Petitioner	2/24/20		
	Date		
Vs.	2022-CC00135		
Allied Services, LLC d/b/a Republic Services, et al	Case number		
Defendant/Respondent	Division		

REQUEST FOR APPOINTMENT OF PROCESS SERVER Comes now Plaintiff pursuant Requesting Party to Local Rule 14, requests the appointment by the Circuit Clerk of Scott Biondo (Scott Biondo Consulting) 404 Jungermann, St. Peters, MO 63376 314-956-1160 Name of Process Server Address Telephone 11 DAVID CONDER Address Name of Process Server Telephone Name of Process Server Address Telephone to serve the summons and petition in this cause on the below named parties. SERVE: Timothy Hartupee Name 1744 Apple Hill Drive Name Address Arnold, MO 63010 **Address** City/State/Zip City/State/Zip **SERVE: SERVE:** Name Name Address Address City/State/Zip City/State/Zip Appointed as requested: TOM KLOEPPINGER, Circuit Clerk Brian D. Kurth Attorney/Plaintiff/Petitioner 59651 Ву Bar No. 1717 Park Avenue, St. Louis, MO 63141 Address 314-300-3000 Phone No. Date

20-cy-00353-SR	C Doc. #: 1-1	Filed 03/04/20
in the 22ND Judicial	CIRCUIT, CIT	Y OF ST LOUIS,

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	-020		
Judge or Division: REX M BURLISON		Case Number: 2022-CC00135	RECEIVE Special Process of WF
Plaintiff/Petitioner: ANTIONE FRANKLIN	VS.	Plaintiff's/Petitioner's Attorney/Address BRIAN KURTH 1717 PARK AVENUE ST LOUIS, MO 63104	Special Process Server 2  Special Process Server 2
Defendant/Respondent: ALLIED SERVICES LLC		Court Address: CIVIL COURTS BUILDING	1
Nature of Suit: CC Pers Injury-Vehicular		10 N TUCKER BLVD SAINT LOUIS, MO 63101	(Date File Stamp)
	Su	mmons in Civil Case	05

**MISSOURI** 

Summons in Civil Case  The State of Missouri to: TIMOTHY HARTUPEE Alias:  Alias:  Alias:  You are summoned to appear before this court and to file your pleading to the population of the day of service. If you fail to file your pleading upon the attorned plaintiff/petitioner at the above address all within 30 days after receiving this su exclusive of the day of service. If you fail to file your pleading, judgment by defauther against you for the relief demanded in the petition.  January 22, 2020  Date  Further Information:  Sheriff's or Server's Return  Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.  I certify that I have served the above summons by: (check one)  delivering a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent.  (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:  (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:  (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:  (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:  (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:  (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:  (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:  (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:  (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:  (for service on a corporation) delivering a foreign of the defendant/respondent.  (for service on a corporation) delivering a foreign of the defendant service.  (for service on a corporation of the defendant servi	حے (amp
You are summoned to appear before this court and to file your pleading to the property of which is attached, and to serve a copy of your pleading upon the attorn plaintifffpetitioner at the above address all within 30 days after receiving this su exclusive of the day of service. If you fall to file your pleading, judgment by defable taken against you for the relief demanded in the petition.    January 22, 2020	C 3
You are summoned to appear before this court and to file your pleading to the p copy of which is attached, and to serve a copy of your pleading upon the attorn plaintiff/petitioner at the above address all within 30 days after receiving this su exclusive of the day of service. If you fall to file your pleading, judgment by defa be taken against you for the relief demanded in the petition.    January 22, 2020	_ <del>0,  \</del>
copy of which is attached, and to serve a copy of your pleading upon the attorn plaintiff/petitioner at the above address all within 30 days after receiving this su exclusive of the day of service. If you fall to file your pleading, judgment by defa be taken against you for the relief demanded in the petition.    January 22, 2020	
Date   Further Information:   Sheriff's or Server's Return	y for nmons,
Sheriff's or Server's Return   Further Information:   I certify that I have served the above summons by: (check one)   Gelivering a copy of the summons and a copy of the petition to the defendant/respondent.   Gelivering a copy of the summons and a copy of the defendant/s/respondent's family over the service on a corporation) delivering a copy of the summons and a copy of the complaint to:   German   Ge	20 20 20 20 20 20 20 20 20 20 20 20 20 2
Sheriff's or Server's Return  Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.  I certify that I have served the above summons by: (check one)  delivering a copy of the summons and a copy of the petition to the defendant/respondent.  leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent aperson of the defendant's/respondent's family over the 15 years who permanently resides with the defendant/respondent.  (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:  (name)  Vother:  Served at  Frinted Name of Sheriff or Server  Must be sworn before a notary public if not served by an authorized officer:  Subscribed and sworn to before me on  (Seal)  My commission expires:  Date  Notary Public	203
Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.  I certify that I have served the above summons by: (check one)  delivering a copy of the summons and a copy of the petition to the defendant/respondent.  leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent.  15 years who permanently resides with the defendant/respondent.  (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:  (name)  Served at  Printed Name of Sheriff or Server  Must be sworn before a notary public if not served by an authorized officer:  Subscribed and sworn to before me on	<u> </u>
delivering a copy of the summons and a copy of the petition to the defendant/respondent.  leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent, a person of the defendant/s/respondent's family over the 15 years who permanently resides with the defendant/respondent.  (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:  (name)  Served at OF STORY Sity of St. Louis), MO, on 212220 (date) at 128  Printed Name of Sheriff or Server  Must be sworn before a notary public if not served by an authorized officer:  Subscribed and sworn to before me on	₹ <b>≥</b> E
leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/responder	; <b>— 1</b>
leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/responder	Q 당
(for service on a corporation) delivering a copy of the summons and a copy of the complaint to:   (name)	
Served at	
Served at	
Printed Name of Sheriff or Server  Must be sworn before a notary public if not served by an authorized officer:  Subscribed and sworn to before me on	(title).
Printed Name of Sheriff or Server  Signature of Sheriff or Server  Must be sworn before a notary public if not served by an authorized officer:  Subscribed and sworn to before me on	iress) حدر
Must be sworn before a notary public if not served by an authorized officer:  Subscribed and sworn to before me on	(time).
Must be sworn before a notary public if not served by an authorized officer:  Subscribed and sworn to before me on	
(Seal)  My commission expires:  Date  Notary Public	
My commission expires: Date Notary Public	
Date Notary Public	
Summons \$	
Non Est \$ 29	
Sheriff's Deputy Salary	
Supplemental Surcharge \$10.00	
Mileage \$ ( miles @ \$ per mile)	
Total \$ 52	
A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on classes of suits, see Supreme Court Rule 54.	ill

Judge or Division:	Case Number: 2022-CC00135	
REX M BURLISON		Special Process Server 1
Plaintiff/Petitioner:	Plaintiff's/Petitioner's Attorney/Address	
ANTIONE FRANKLIN	BRIAN KURTH	Special Process Server 2
	1717 PARK AVENUE	
	ST LOUIS, MO 63104	Special Process Server 3
Defendant/Respondent:	Court Address:	
ALLIED SERVICES LLC	CIVIL COURTS BUILDING	İ
Nature of Suit:	10 N TUCKER BLVD	į
CC Pers Injury-Vehicular	SAINT LOUIS, MO 63101	(Date File Stamp)

#### **Summons in Civil Case**

The	State	of N	lissouri	to:	TIMOTHY	<b>HARTUPEE</b>
					Alias:	

1744 APPLE HILL DRIVE ST. LOUIS, MO 63010

COURT SEAL OF



You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

January 22, 2020

Thomas Ploeppinger
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CITY OF ST LOUIS	January 22, 2020	, names progganger		
•	Date	Clerk		
	Further Information:	<b>~</b> <u>∵</u> ∾		
	Sheriff's or Serve			
<del>-</del>	: Summons should be returned to the court w			
-	ed the above summons by: (check one)			
delivering a copy of t	he summons and a copy of the petition to the	alafamilanthaaanamalant		
leaving a copy of the	summons and a copy of the petition at the dv	defendant/respondent.  velling place or usual abode of the defendant/respondent with		
15 years who perm	anently resides with the defendant/responden	person of the defendant's/respondent's family over the apert.		
(for service on a corp	poration) delivering a copy of the summons an			
	(name) _			
other:		<u> </u>		
		(address)		
in	(County/City of St. Louis), MO	, on (date) at (time).		
Printed Nan	ne of Sheriff or Server  Must be sworn before a notary public if not se	Signature of Sheriff or Server erved by an authorized officer:		
	Subscribed and sworn to before me on	•		
(Seal)		(400)		
	My commission expires:			
	Date	Notary Public		
Sheriff's Fees, if applical				
Summons	\$			
Non Est	\$			
Sheriff's Deputy Salary	ф 40.00			
Supplemental Surcharge	\$10.00			
Mileage	\$ ( miles @ \$	per mile)		
Total	7	and the state of t		
A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.				
CIASSES OF SUITS, SEE SUPP	eme Court Mule 34.			

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### 2022-CC00135

## IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS STATE OF MISSOURI

ANTIONE FRANKLIN,	)
Plaintiff,	) Cause No.:
v.	)
	) Div. No.:
ALLIED SERVICES, LLC d/b/a REPUBLIC	)
SERVICES,	) JURY TRIAL DEMAND
(Serve:	)
The Corporation Company	)
120 South Central Avenue	)
Clayton, MO 63105)	)
•	)
and	
TIMOTHY HARTUPEE,	22ND JU CIRCUIT ( 2020 FEB
(Serve at:	
1744 Apple Hill Drive	) 8 24
Arnold, MO 63010)	
,	
Defendants.	)
PE	TITION

COMES NOW plaintiff Antione Franklin, by and through his attorneys, and for his cause of action against defendants Allied Services, LLC d/b/a Republic Services and Timothy Hartupee, states as follows:

#### **GENERAL ALLEGATIONS**

- 1. That Plaintiff Antione Franklin is a resident and citizen of the State of Missouri.
- 2. That Defendant Allied Services, LLC ("Allied") is and was at all times relevant hereto a Delaware corporation that is registered and in good standing with the State of Missouri at the time of the incident that is the subject of this suit.
  - 3. That at all times relevant hereto Defendant Allied is and was doing business as

Republic Services for the purposes of trash collection in Missouri.

- 4. That Defendant Timothy Hartupee ("Hartupee") is and was at all times relevant hereto a resident and citizen of the State of Missouri.
- 5. That Defendant Hartupee at all times relevant hereto acted as the agent, servant and employee of defendant Allied and acted within the course and scope of his employment with Allied.
- 6. That Defendant Allied at all times relevant hereto acted by and through its agents, servants and employees, including defendant Hartupee, who was acting within the course and scope of his employment
- 7. That jurisdiction is proper in the State of Missouri because this action arises out of a tort committed in Missouri.
- 8. That venue is proper in the Circuit Court of the City of St. Louis, Missouri pursuant to section 508.010 of the Revised Statutes of Missouri (2005).
- 9. That on April 11, 2018, plaintiff Antione Franklin was operating a vehicle southbound on South Broadway Avenue in the City of St. Louis, Missouri.
- 10. That on April 11, 2018, plaintiff Antione Franklin while operating a vehicle southbound on South Broadway Avenue in the City of St. Louis, Missouri, made a right hand turn into a Conoco gas station located at 4355 South Broadway, City of St. Louis, Missouri.
- 11. That on April 11, 2018, defendant Hartupee, while in the course and scope of his employment with defendant Allied, was operating a trash truck owned by defendant Allied with permission of defendant Allied on the Conoco premises located at 4355 South Broadway Avenue, City of St. Louis, Missouri.
  - 12. That on April 11, 2018 defendant Hartupee operated the trash truck and caused it

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to back into and collide with Plaintiff's vehicle on the Conoco premises located at 4355 South Broadway Avenue, City of St. Louis, Missouri.

#### **COUNT I – Negligence – All Defendants**

- 13. That Plaintiff Antione Franklin incorporates by reference the allegations of paragraphs 1 through 12 as though fully set forth herein.
- 14. That the aforesaid collision was directly and proximately caused by the negligence and carelessness of Defendants in the operation, maintenance, and control of the trash truck in the following respects, to-wit:
  - (a) Defendant Hartupee, acting as the agent, servant, and employee of defendant Allied, did immediately prior to and at the time of said occurrence, drive and operate the trash truck at a rate of speed that was high, excessive, and dangerous under the circumstances and conditions then and there existing.
  - (b) Defendant Hartupee, acting as the agent, servant, and employee of defendant Allied, failed and omitted to keep and maintain a constant, careful, and vigilant watch and lookout so as to see and discover the presence and movement of other vehicles at and near the aforesaid location.
  - (c) Defendant Hartupee, acting as the agent, servant, and employee of defendant Allied, failed and omitted to stop the trash truck, slacken the speed thereof, change the course thereof, swerve the same aside, or sound a warning of his approach and movement, when, in the exercise of the

- highest degree of care, he could and should have done so and thus and thereby have avoided the aforesaid occurrence.
- (d) Defendant Hartupee, acting as the agent, servant, and employee of defendant Allied, did at the time and place aforesaid negligently and carelessly cause and permit the trash truck to strike and collide with the vehicle operated by plaintiff Antione Franklin.
- 15. That Defendant Allied is vicariously liable for the negligence of defendant Hartupee, referenced in the above paragraphs, in that defendant Allied was acting by and through defendant Timothy Hartupee as its agent, servant or employee at the time that defendant Hartupee engaged in these negligent acts.
- 16. That as a direct and proximate result of Defendants' aforesaid negligence, Plaintiff was caused to suffer injuries to his neck, back, left arm and left shoulder. Plaintiff suffered, and will ever suffer in the future, severe pain and mental anguish as a result thereof; and the use, movement, and function of the aforesaid injured parts have been severely and permanently impaired and diminished.
- 17. That as a further direct and proximate result of Defendants' aforesaid negligence, and the resulting injuries sustained by Plaintiff, Plaintiff has been caused to undergo certain reasonable and necessary medical and hospital care and treatment, for which he has been caused to incur or become indebted for an amount as yet to be determined but in excess of \$127,000.00, and he will be caused to undergo further such care and treatment in the future and to incur or become indebted for further such large sums therefor.

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18. That as a further direct and proximate result of Defendants' aforesaid negligence, and the resulting injuries sustained by Plaintiff, Plaintiff has been caused to lose wages in an amount in excess of \$11,000.

WHEREFORE, Plaintiff prays for judgment against Defendants in such sum as is fair and reasonable but in excess of Twenty-Five Thousand Dollars (\$25,000.00) together with his costs herein expended.

#### MEYERKORD & MEYERKORD

By: /s/ Brian D. Kurth
Brian D. Kurth, #59651
Attorneys for Plaintiff
1717 Park Avenue
St. Louis, Missouri 63104
(314) 436-9958
(314) 571-7138 (Facsimile)

BDK/s

## Case: 4:20-cv-00353-SRC Doc. #: 1-1 Filed: 03/04/20 Page: 25 of 25 PageID #: 29 SPECIAL PROCESS SERVER

#### IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: REX M BURLISON	Case Number: 2022-CC00135	Special Process Server 1 D CONDER
Plaintiff/Petitioner: ANTIONE FRANKLIN  vs.	Plaintiff's/Petitioner's Attorney/Address BRIAN KURTH 1717 PARK AVENUE ST LOUIS, MO 63104	Special Process Server 2 Special Process Server 3
Defendant/Respondent: ALLIED SERVICES LLC	Court Address: CIVIL COURTS BUILDING	
Nature of Suit: CC Pers Injury-Vehicular	10 N TUCKER BLVD SAINT LOUIS, MO 63101	(Date File Stamp)

Defendant/Respondent: ALLIED SERVICES LLC		CIVIL COURTS BI	JII DING			
Nature of Suit:		10 N TUCKER BLY				
CC Pers Injury-Vehicular		SAINT LOUIS, MC	63101	(Date	File Stamp)	
Co i cio injuly vonicular	Aliae S	Summons in	Civil Caso	(Date	The Glamp)	
The State of Missouri to			Civil Case			
The State of Missouri to	O: IIMOITT HARTUPE	<b>=</b>				
1744 APPLE HILL DRIVE ARNOLD, MO 63010	Alias.					
COURT SEAL OF	You are summoned to appear before this court and to file your pleading to the petition, a					
SURTO	copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.					
CITY OF ST LOUIS	March 2, 2020 Thomas		Kloeppinger			
	Date		Cl	erk		
	Further Information:					
_	Summons should be return			ssue.		
•	d the above summons by: (	,				
leaving a copy of the	ne summons and a copy of the summons and a copy of the anently resides with the defe	petition at the dwelli a pers		the defendant/resondent's family ov	spondent with ver the age of	
(for service on a corp	oration) delivering a copy of	the summons and a			(title)	
Served at					(address)	
	(County/City of St. Louis), MO, on					
	(			_ ( ,	(-	
Printed Nam	e of Sheriff or Server  Must be sworn before a not	ary public if not serve	Signature d by an authorized officer:	of Sheriff or Server		
(Seal)				(date).		
(Seai)	My commission expires:					
	,	Date		Notary Public		
Sheriff's Fees, if applicat	ole					
Summons	\$					
Non Est	\$					
Sheriff's Deputy Salary Supplemental Surcharge	\$ 10.00					
Mileage	\$ <u>10.00</u> \$(	miles @ \$	ner mile)			
Total	\$(	IIIIIG3 & \$\psi	par milia <i>)</i>			
	nd a copy of the petition mus	et be served on <b>each</b>	defendant/respondent. For	methods of servi	ce on all	
since of sund, our supre						